App F IX 4

Previous References 1941/48 (

File No 40-47
Serial Nos 136 137

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

Part B for Jany 48

SUBJECT

Election of mr B Narayan as President of the Bhavanagar town municipal Council

No 12918—B 27.1.48

To The town clerk Mig

Attn the

1897

Letter No D3 c Pet 365/47-48 dy 30-9-47 from the Dy Commr, Mysore Dt, requesting that the election of Mr B Narayana as Pdt of the Chamarajan agar town mc el may be set aside and a fresh election ordered to be held

1 The report received from the Dy Commr Mysore Dt is submitted for perusal

2 The detailed report submitted by the Sub Divn Officer, Nanjangud after holding an enquiry on the several points raised in the Petns, gives the facts of the case & he recommends that the election may be set aside and a fresh election ordered to be held The Dy Commr, Mysore Dt also agrees with the Sub Divn Officer.

3 The Dy Commr ~~also~~ suggests that Sri Narayana & the Parties may also be heard, if deemed necessary

4 The ~~Regl~~ Law Section will also be Consulted in the matter

5 Submitted for orders

yes for 7/10/47

7/10

Revd 7/10/47

~~Please put up the Opy~~ ~~the Rules referred to~~

8/10

1756 Law 1897/L

b The election has not been properly held, as reported by the Sub Divisional officer Nanjangud.

) There has been no clear notice of 15 days; and there was no reason given to curtail the time for the presentation of nomination applications and the presiding of the Assistant Presidents at the meeting and accepting of withdrawal application in contravention of rules 4 & 5 of the election rules & the presiding, are all irregular.

g The election has perhaps to be cancelled

g The D.C has suggested that, if necessary, Nanjayan & the petitioners may be heard

Minister
Rev & Com's
Thro' Law Secy

8/10 Collector
for

10 The facts of the case are explained in the Sub-Division Officer's report (Fl) The main points urged by the petitioners against the election of Mr B Narayana as President of the Municipality, Chamarajanagar, are

(1) that the notice of meeting was neither in proper time nor issued by competent authority,

(2) that no sufficient time was given to nominate candidates contravening Rule 3(1) of the Election Rules,

(3) that the Amildar presided at the Election meeting contrary to Rule 4,

(4) that the candidate was allowed to withdraw his nomination contrary to the Rules

11 It may be pointed out at the outset that the statements and records bristle with inconsistencies regarding dates and signatures etc (vide reports of the Sub-Division Officer and the Amildar)

12 Rule 1 states that the date of the meeting shall be (1) not later than two months from the date of the Government Order, vacancy and the order setting aside election, (2) not later than one month from the date of reconstitution, provided at least 15 days notice is given during that period The Amildar appears to be competent to issue the notice under Sec 23(6) of the Town Municipalities Act, and it is stated that the notice of meeting is dated 1st July 1947 But there are discrepancies regarding the dates and the circulation to several members

13 Regarding the second point, Rule (2) of the Election Rules provides that every candidate shall be nominated at least seven days before the date fixed for the meeting It only lays down the maximum period

14 Regarding the third point, it was not illegal for the Amildar to have presided over the meeting in the absence of the President and the Vice-President

15 Lastly, the rules do not permit withdrawal of

1756/Law

Election to Parliament - Chamarajnagar DI ct

1977/1

candidature as in the case of the election of Vice-Presidents In the circumstances, the election appears to be vitiated

Laws Secy) fr 11/10

lb

17 27/10

Addl Secy LS & voce) fr 27/10

18) In view of the opinion of the Law Department already referred to above, the election of ~~the~~ a nominee as President of ~~to~~ Chamarajnagar should not be vetoed and a fresh election may be ordered to be held according to the rules prescribed in this behalf

new secy) fr 29/10 ug

19) I agree - A fresh election may be ordered

73 29/10

for Home & Finance Ministry) parties will be heard on the question at 3 PM RE 20/11/47 the note dated 6/1/48 of the Law Secy is useful RE 22/1/48

29/10 for 3/11/48

Mr. Nehru
Judge

1897/L

URGENT

Submit with a draft letter for appl

KKB 26/11 Pr 26-11-47

Appl today

for 26/11/47

To The Dy Commr, Mysore Dt
No L 11200 Dt 27-11-47

States that the Minister for L S G will hear the parties at 3 PM on the 9th Dec. 1947 and that the Parties concerned may be accordingly intimated etc,

(Copies of the Town Muthes Rock & Election Rules sent up)

Submit Dt appl the file will be sent to the P A to the Minister for L S G

KKB 4/12 Pr 4-12-47

yes

4/12/47

P A to the Minister for L S G

KKB 5/12

Heard the parties on 9th December 1947

The appellants seek to dispute the legality of the election of the non-official President to the Municipal Council, Chamarajanagar, held on 23-7-1947 on the following grounds which are discussed below -

1) The first ground of dispute is that the Amildar is not the proper authority either to preside over the election

meeting or to issue notice for the special meeting

Section 23, clause 6 of the Mysore Town Municipalities Act 1933, empowers the Amildar to perform the functions of the President notwithstanding anything contained in the said Act or in the rules or notifications issued thereunder Prior to the present reconstitution the Amildar Chamarajanagar had assumed powers and was performing the functions of the President under the above section as both the non-official President and the Vice-President of the previous Council had resigned their offices Besides in S O No L 435/Ml 56-41-2 dated Bangalore 21st July 1941 where the question raised was whether the interim Presidents of Chitaldroog and Davangere Municipalities may preside over and vote at the election of the non-official Presidents of the respective Municipalities it has been ordered that the said interim Presidents may preside over the election but that they cannot vote The question of the interim President of this Town Municipality presiding over the special meeting bears analogy to those cases Hence the Amildar-interim-President was right in issuing the calendar of events and also the notice for the meeting

2) That the calendar of events is not dated and is discrepant The calendar of events attached to the notice board of the Municiapl Office is dated 8-7-1947, though the one circulated among the Municipal Councillors does not bear any date This notice on the Notice Board of the Municipal Office has given sufficient rotice to the persons concerned regarding the date of election which is 23-7-47 as noted in the said calendar Though the Amildar-President has not noted the date on the circulation notice some of the councillors who received the notice have dated it after attesting it For instance, Mr C S Abdul Jabbar who complains against election has dated the notice 8-7-47 This clearly shows that the calendar of events was issued on 8-7-47 Again the notice of special meeting was issued on 1-7-47 and the date of the special meeting that is 23-7-47 is alleged to have undergone correction and is to be misleading In this connection it could be said that not only

there is some alteration regarding this date but there is also some alteration in the month figure at the top of the memo Therefore it cannot be said that these corrections had any intention of misleading anybody Next the calendar of events is issued as already stated after this memo Though the correction of the date alleged to have been made at the footnote of the calendar of events might have been misleading the date viz , 23-7-47 in the body of the calendar of events is certainly not misleading Therefore the full limit of 15 days time under the proviso to Rule 1 of the Act had elapsed and further there was no difficulty to know the actual date of election

3) It is alleged that sufficient time was not allowed for the nomination of the candidate and that this contravenes Rule 3 of the Election Rules The calendar of events specifies that the nomination should be made at least 7 days before the date fixed for the meeting and in fact the nominations were filed by the parties on 14-7-47 This goes to show that they had sufficient time and have agreed to the events in the calendar of events and also the special notice of the meeting

4) The last ground of appeal relates to the withdrawal of one of the candidates who had been nominated

There is no prohibition in the rules against the withdrawal by a candidate of his candidature though there is such a provision in the case of the election of the Vice-President It would not therefore stand to reason to compel a candidate to undergo election and the process of elimination even though he is not willing to get elected as President

It is therefore clear that there are not sufficient grounds to set aside the election of the President held on 23-7-47 The appeal is therefore dismissed

THE MINISTER FOR LOCAL SELF GOVERNMENT
No 784
Date 22 1 48

22/1/48.

23/1

1897
L

Continuation Sheet ML File No / Current No 40 of 47 Page

Sent with a draft Notfn for appl

26/1 Pr 26-1-48

Revised 26/1/48

Approved

S

26/1/48

Issue etc

L 26/1/48

137

To The Comptr & Mysore Gazette
NO L 12918 Dt 27-1-48
Notifies the election of Mr B Narayan as Pdt of the Chandrayanagar Commee

To The Dy Commr, Mysore Dt
NO L 12919 Dt 27-1-48
forwards a copy of the above

B 3/2/48

TYPING SECTION
27 JAN 1948

WD 06877—GPB—5 000—J 8 47

Note

The appellants seek to dispute the legality of the election of the non-official President to the Municipal Council, Chamarajanagar held on 23 7 1947 on the ground that the notice of the meeting was neither in proper time nor issued by competent authority, that sufficient time was not given for the nomination of candidates in contravention of Rule 3(1) of the Election Rules, that the election meeting was presided over by the Amildar who not being a Municipal Commissioner or an ex-officio President of the Municipality could not conduct the meeting, and that one of the candidates was allowed to withdraw his nomination contrary to the rules The several grounds urged may be taken up for consideration seriatim

Regarding the invalidity of the notice issued under Rule 1 of the Election Rules, there seems to be no irregularity since the notice of the special meeting (flag 'Q') is dated 1 7 1947 and the meeting was fixed for 23.7 1947 and thus allowing more than the full limit of 15 days time prescribed under the proviso to Rule 1 to elapse

As regards the competency of the Amildar to issue the notice, the grounds urged by the appellants are not sound as under the proviso to Rule 1 it is prescribed that the notice may be issued by the President or in his absence by the Chief Executive Officer of the Municipal Council The Amildar is, according to the Explanation quoted in para 1 of the Memorandum of Appeal, the Executive Officer vested with general executive powers in the local area concerned Hence it appears that the notice has been issued by competent authority He has acted in the absence of the President

The next ground urged is that sufficient

sufficient time was not given for the nomination of candidates and that this contravenes Rule 3(1) of the Election Rules The nomination has been made in this case, per application (flag O') That is dated 14th July 1947 and has also been received by the Chief Executive Officer (the Amildar) on the same date Thus, it is well 7 days prior to the date of the meeting which was fixed to take place on 23 7 1947 & therefore conforms to the rules

The Amildar was the President at the time having assumed the powers of President under the authority vested in him by Section 23 (6) of the Town Municipalities Act and consequertly he presided Section 23 clause (6) of the Town Municipalities Act mentions as follows -

> "During a vacancy in the office of the President of a municipal council and when there is no vice-president to take his place, the Deputy Commissioner or the person performing the duties of the Deputy Commissioner for the time being in the case of municipalities at district head-quarters or the Amildar or the person performing the duties of the Amildar for the time being in the case of other municipalities shall, notwithstanding anything contained in this Act or in the rules or notifications issued thereunder, perform the functions of the president"

Since the Amildar was performing the duties of the President under Section 23 clause (6) his right to perform the functions of the President under that section has to prevail since under that section that right supervenes and has to take effect "notwithstanding anything con ained in this Act or in the rules or notifications issued thereunder"

If he is held to be competent to call for the special meeting under Section 23 clause (6) he has to be deemed to be competent to preside there This appears to be not a case where the election of a president takes place in ordinary

ordinary circumstances but, as mentioned by the Deputy Commissioner, the Amildar had assumed the powers and was performing the functions of the President under the authority vested in him by Section 23 clause (6) of the Town Municipalities Act

The last ground of appeal relates to the withdrawal of one of the candidates who had been nominated No doubt, there is no provision for withdrawal of candidature under the rules for the election of a president though such a provision is contained in the rules for the election of a vice-president The absence of such a rule cannot make the rules rigid so as to exclude or in other words, cut the liberty of a candidate to withdraw at his own choice Even though there is no rule providing for a withdrawal it cannot be said that every candidate must be compelled to go through an election even if he is not willing and desires to withdraw just before the election Nothing can prevent a person from exercising his own right to be out of an election contest at any moment he chooses Can anybody against his own will be forced to stand for an election when the primary idea of a nomination of a candidate for election implies that the candidate is willing to stand as such? It would be incongruous to suppose that the elimination process mentioned in the rules should be gone through even if a person does not contest and desires to withdraw The rules for withdrawal would appear to fix a time within which withdrawals may take place so that the forthcoming election may be left without unnecessary contest if possible but should a candidate even

even when there are rules for withdrawal of candidature come after the time fixed for withdrawal there is nothing left to be done in the election but to proceed with it and declare the person remaining as elected The right of the person who continued as a candidate and faced an election cannot be nullified merely because the rules did not provide for withdrawal of candidate In the present case no time being fixed for withdrawal it has to be considered that the withdrawal could be made at any time before the election The rules in question do not prohibit specifically withdrawal of candidature and hence the Amildar was right in accepting the withdrawal and countermanding the poll In cases where election involves a deposit by a candidate it has been considered that in case of withdrawal after the prescribed time a candidate forfeits his deposit (Compare page 20 of the Law of Elections in India and Burma by B K Khanna) Thus, it is clear that even a withdrawal after the prescribed time has to be recognised as such though it may involve the person who withdraws in paying some penalties In the present case, therefore, the withdrawal which is made a ground of appeal in question is insufficient to operate as a vitiating the election

The appeal may be dismissed

6/1

VS

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

Class of Service: T O ___ C de KR

THE MINISTER FOR LOCAL SELF GOVERNMENT

Recd. at ___ M. Sent at ___ M. 821 M.

From ___ To ___ No 29/1/48

By 30 11 By ___ Date ___

Office Stamp

Words 22

Chamarajnagar | 29 | 6/35

To Mr rppd. Sriman Channegaramaiah

minister Bg

ratepayers eager to see

orders passed in favour

of presidents election play

Rev Secy reply

Draft so far Pattp for appr

Nagaraj Congress

Nagaraj Draft

Congress Secretary

Chamarajnagar

President election approved

27th January

Rev Sec

for Mysr

29/1/48

31/1/48

mr Rd 40-47-136

No D3 C pet 365 /47-48
Encl one file

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT
Mysore, dated the 30th September 47

FROM

G N Nagaraja Rao, Esq , M Sc ,
Deputy Commissioner,
Mysore District

GEN & REV SECRETARIAT 18 97 mf 4 OCT 1947 L & C BRANCH

SYED ABDUL ALEEM, Esq , B A ,
Secretary to Government,
Revenue Department, Bangalore

Sir,

Sub Election of Non-Official President, Town Municipal Council, Chamarajanagar

I have the honour to state that in pursuance of Government Notification No L 17085/ML 41-16-93 dated 18th June 1947 reconstituting the Town Municipal Council, Chamarajanagar with effect from 1st July 1947 , the Amildar President who had assumed the powers and was performing the functions of the President under the authority vested in him by sec 23(6) of the Town Municipalities Act, issued on 1-7-47 a notice of Special Meeting to be held on 23-7-47 for purpose of electing a president The Municipal councillors nominated two candidates as detailed in the margin within the time fixed ie ,

Nominated by	Name of the candidate nominated
Messrs	
C V Karan Sultan Sheriff Sahib	Mr S Venkata Subba Setty
C S Ananda Rao S Venkatasubba Setty	Mr B Narayana

14th July 1947 the nominated candidate were Messrs B Narayan and Mr S Venkatasubba Setty Later, having withdrawn his candidature Mr Narayan was declared duly elected un-opposed as non-official president of the Municipality in the special meeting of the council held on 23-7-47 and presided over by the Amildar President

The validity of the presidental election was contested by two sets of petitions one signed by Messrs Sultan Sheriff C V Raman and Chowda Setty and the other by Messrs D D Narayana Rao, Jagannnatha Rao and Abdul Jabbar The Sub Division Officer, Nanjangud Sub Division to whom the petitions were referred for enquiry under rule 8 of the Election Rules has submitted his report after necessary enquiry In the opinion of the Sub Division Officer the election held is not valid as it was held without valid notice under rule 1 curtailing the previlege of the councillors under rule 2 and violating Rules 4 & 5 I concur with the Sub Division Officer I request that necessary orders of Government may be kindly obtained for setting aside the elections and for holding fresh election in the circumstances reported by the Sub Division Officer Mr Narayan & the petitioners may kindly be heard of deemed necessary

The entire election papers together with the records of enquiry received from the Sub Division Officer are also sent herewith for reference and kind return

I have the honour to be,
sir,
Your most obedient servant,

DEPUTY COMMISSIONER,
MYSORE DISTRICT

BNS

8/9/49

2647/ml 26/11/47 No 72

ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಶಾಖೆ

ಮಂತ್ರಿ ವರ್ಯರ ಜನಾಬಿಗೆ

ಚಾಮರಾಜನಗರ ಪಟ್ಟಣ ಕೌನ್ಸಿಲರುಗಳು ಮತ್ತು

[illegible] ಸಭಾ ಸದಸ್ಯರುಗಳು ಮಾಡಿಕೊಂಡ ಅರಿಕೆ

ವಿಷಯ ಚಾಮರಾಜನಗರ ಪಟ್ಟಣ ಮುನಿಸಿಪಲ್ [illegible]
ನ ಉಪಾಧ್ಯಕ್ಷರ ಚುನಾವಣೆ ಮುಂದೂಡಿರುವುದು

Rev Secy
P 6/11/47
XXX

SECRETARY ... 25/11 ... OF MYSORE

ಸ್ವಾಮಿ -

ಈ ಮುನಿಸಿಪಾಲಿಟಿಯ [illegible] ಉಪಾಧ್ಯಕ್ಷರ ಚುನಾವಣೆಯನ್ನು ತಾ 23 7 47 ರಲ್ಲಿ ನಡೆಸಿ, [illegible] ಪ್ರತಿಸ್ಪರ್ಧಿಯಿಲ್ಲದೆ ಮಿ॥ ರಾ॥ B ನಾರಾಯಣ ರವರು ಚುನಾಯಿತರಾದರು ಇದರ ಸಂಬಂಧ ಕೌನ್ಸಿಲಿನಲ್ಲಿ ಉಪಾಧ್ಯಕ್ಷರಾಗಿ ಚುನಾಯಿತರಾಗಿ ~~[illegible]~~ [illegible], [illegible] ಜಿಲ್ಲೆಯ ರೆವಿನ್ಯೂ ಕಮಿಷನರು ರಾ॥ C D ನಾರಾಯಣ ರಾಯರು ತಮ್ಮ [illegible] ಸದಸ್ಯರುಗಳ ಬಲದಿಂದ, ಪಕ್ಷಪಾತದ ಮೇಲೆ [illegible] ಪ್ರತಿಸ್ಪರ್ಧಿಯಿಲ್ಲದೆ ನಡೆದ ಮಿ॥ ರಾ॥ B ನಾರಾಯಣರವರ ಚುನಾವಣೆಯನ್ನು ರದ್ದುಗೊಳಿಸಿ, ತರುವಾಯ [illegible] ಚುನಾವಣೆ ನಡೆಸುತ್ತೇವೆಂದು [illegible] ಪ್ರತಿಸ್ಪರ್ಧಿಯಿಲ್ಲದೆ ಚುನಾಯಿತರಾಗಿದ್ದ ಮಿ॥ ರಾ॥ B ನಾರಾಯಣರವರ [illegible] ಈ ಮುನಿಸಿಪಾಲಿಟಿಯ ಉಪಾಧ್ಯಕ್ಷರಾಗಿ ಪ್ರತಿಸ್ಪರ್ಧಿಯಿಲ್ಲದೆ ಚುನಾಯಿತರಾಗಿರುವುದು [illegible] ಕೌನ್ಸಿಲಿನಲ್ಲಿ 21 ಜನರ ಸದಸ್ಯರುಗಳಲ್ಲಿ [illegible] ಮಿ॥ ರಾ॥ C D ನಾರಾಯಣ ರಾಯರು ಮತ್ತು [illegible] ಜನ [illegible] ಸದಸ್ಯರುಗಳ ಬಲವು [illegible] ಪಕ್ಷಪಾತ [illegible] ಈ ಪ್ರತಿಸ್ಪರ್ಧಿಯಿಲ್ಲದೆ ನಡೆದಿರುವ ಚುನಾವಣೆಯನ್ನು ಮಂಜೂರು ಮಾಡಬೇಕಾಗಿ ಪ್ರಾರ್ಥಿಸುತ್ತೇವೆ.

ml
Ms KKS
[illegible] 26/11/47

ತಾ 3 11 1947

G Anandarao
ಅ॥ [illegible]
ಎನ್ ನಾಗರಾಜ್
S Shamanna

సిద్ధయ్య
ఓ ధనం ఇవ్వాలి
నీ బుద్ధి తెలుసుకో

C No
Ref on Pet No } 19 —19
App No
Dis No
Enclosure Dated
Approved on
Copied on by
Examined on by
Signed on Despatched on
Entered in—
Current Petition Appeal { Register on / By
Periodical
Reminded on

WD 01963—GPB—1 00 000—16 12-46

Immediate
DRAFT
L 11200/27 11 47

To
The Deputy Commissioner
Mysore Dt

Docke Abstract

Sir

With reference to your letter No D3C Pet 365/47-48 & 30-9-47 in regard to the election of a Pdt to the Chamarajanagar town mc cl, I am directed to state that the Minister for the Local Self Govt will hear the parties at 3 PM on the 9th Decr 1947 in his Chambers in the Old Public offices, Bangalore and that the Parties concerned may be intimated accordingly immediately

The action taken may be reported to Govt

I have etc

for —
for Secy to Govt
Mlg & Rev Dept

By
28-11-47

The Minister for Local Self Government,

Government of Mysore, BANGALORE

Appellants - C D Narayana Rao and others

The Appellants beg to submit that the following are the grounds to vitiate the Election of the Non-official President to the Municipal Council, Chamarajanagar, held on 23 7 1947

1 Proper notice under Rule 1 provisó by the Chief Executive Officer of the Municipal Council was not given of a special meeting to elect a President

(a)The Amildar-president is not competant to publish the calender of events as per Election Rules vide page 17 para 1
Explanation for Executive Officer - Health Act No 10 of 1944 vide page 3 para (a) Executive Officer means the paid officer, if any of the Local Authority who is vested with general executive powers in the local area for which such authority is constituted under any act or rule

When the Vice-president and the Chief Officer is absent the Sanitary Inspector will be in charge vide G O No L 6784-9-1 dated 30 1 40/2 2 40

At the time of publishing the calender of events there was no Vice-president The Chief Officer had been transferred The Sanitary Inspector was acting as Chief Officer and was drawing allowance of Rs 10/- every month This has been approved by Deputy Commissioner

(b)The Calender of Events published is <u>undated</u>

Even the Amildar president has not put the date while signing

The notice served on members also is undated

2 The Calender calls for applications for candidature on or before 14 7 1947 But it is countermanded by rule noted below that such notices of candidature may be sent at least 7 days before the day fixed for the meeting which means that notice of candidature may be given up to 16 7 1947 By calling for applications on or before 14 7 1947, the Amildar-president has curtailed the prevelege of the members by <u>2 days</u> against Election Rules (vide para 2)

3 In the Calender of Events column (3) the date of election of the special meeting is fixed 23 7 1947
But in the footnote while directing the members to nominate the candidature it is instructed that the election will take place on 15 7 1947 and afterwards it is corrected without initial This was corrected on the day of the meeting when the applicants took objection and brought to the notice of the presiding officer

4 The Amildar-president is not a municipal councillor nor an ex-officio president vide Govt Order No L 17085 ML 41-46-93 dated 18 6 1947 Published in Gazette dated 26 6 47

P T O

and so as per Election rules page 18, para 4, he cannot conduct the meeting The rule says "The Councillors present on the day of election shall, for the purpose of presiding at the meeting, select one among themselves who is not a candidate and so the entire proceedings is null and void

5 The Amildar-president accepted the withdrawal application of Mr S Venkatasubbasetty There is no provision in election rules for withdrawal Provision is made in City Municipal President's Election Rules and Vice-president's Election Rules of Town Municipalities, for the candidate to withdraw and not in the rules framed for the Election of President in Town Municipalities.

If there are more than one candidate, the elimination process should take place-if not the legislature would have provided the same clause as it has been provided in City Municipal Presideents Election Rules and Vice President's Election Rules of Town Municipalities and so the acceptance of withdrawal application is entirely wrong Besides, the withdrawal application was not published on the Notice Board though it came on the 14 7 1947-giving opportunity to other merbers to stand

6 Though some of the grave irregularities were pointed out and objection taken in writing on the day of election before the meeting took place, the Amildar-president who conducted the meeting-who is not authorised to do so- has overruled the objections and made a record also construeable as if the council over-ruled them This again is illegal

Therefore the Appellants pray that since that not a single Election Rule is observed and there are grave irregular and illegalities in conducting the election, from the beginning to the end, the election may kindly be ordered to be set aside and re-election held

Bangalore
Dated 20 12 1947

C Narayana Rao
Appellant Municipal Councillor & R A Member
(5 ors) for himself & others
Appellants

OFFICE OF
THE MINISTER FOR
LOCAL SELF GOVERNMENT
No
Date

The Minister for Local Self Government,
Government of Mysore, BANGALORE

Appellants:- C D Narayana Rao and others

The Appellants beg to submit that the following are the grounds to vitiate the Election of the Non-official President to the Municipal Council, Chamarajanagar, held on 23.7.1947

1 Proper notice under Rule 1 provisd by the Chief Executive Officer of the Municipal Council was not given of a special meeting to elect a President

(a)The Amildar-president is not competant to publish the calender of events as per Election Rules vide page 17 para 1
Explanation for Executive Officer:- Health Act No 10 of 1944 vide page 3 para (a) Executive Officer means the paid officer, if any of the Local Authority who is vested with general executive powers in the local area for which such authority is constituted under any act or rule

When the Vice-president and the Chief Officer is absent the Sanitary Inspector will be in charge vide G O No L 6784-9-1 dated 30 1 40/2 2 40

At the time of publishing the calender of events there was no Vice-president The Chief Officer had been transferred The Sanitary Inspector was acting as Chief Officer and was drawing allowance of Rs 10/- every month This has been approved by Deputy Commissioner

(b)The Calender of Events published is <u>undated.</u>

Even the Amildar president has not put the date while signing

The notice served on members also is undated

2 The Calender calls for applications for candidature on or before 14 7.1947 But it is countermanded by rule noted below that such notices of candidature may be sent at least 7 days before the day fixed for the meeting which means that notice of candidature may be given up to 16.7 1947 By calling for applications on or before 14 7 1947, the Amildar-president has curtailed the prevelege of the member by <u>2 days</u> against Election Rules (vide para 2)

3 In the Calender of Events column (3) the date of election of the special meeting is fixed 23 7 1947
But in the footnote while directing the members to nominate the candidature it is instructed that the election will take place on 15 7 1947 and afterwards it is corrected without initial This was corrected on the day of the meeting when the applents took objection and brought to the notice of the presiding officer

4 The Amildar-president is not a municipal councillor nor an ex-officio president vide Govt Order No L 17085 ML 41-46-93 dated 18 6 1947 Published in Gazette dated 26 6 47

P T O

and so as per Election rules page 18, para 4, he cannot conduct the meeting The rule says "The Councillors present on the day of election shall, for the purpose of presiding at the meeting, select one among themselves who is not a candidate and so the entire proceedings is null and void

5 The Amildar-president accepted the withdrawal application of Mr S Venkatasubbasetty There is no provision in election rules for withdrawal Provision is made in City Municipal President's Election Rules and Vice-president's Election Rules of Town Municipalities, for the candidate to withdraw and not in the rules framed for the Election of President in Town Municipalities.

If there are more than one candidate, the elimination process should take place-if not the legislature would have provided the same clause as it has been provided in City Municipal Presideents Election Rules and Vice President's Election Rules of Town Municipalities and so the acceptance of withdrawal application is entirely wrong Besides, the withdrawal application was not published on the Notice Board though it came on the 14.7 1947 giving opportunity to other members to stand

6 Though some of the grave irregularities were pointed out and objection taken in writing on the day of election before the meeting took place, the Amildar-president who conducted the meeting-who is not authorised to do so- has overruled the objections and made a record also construeable as if the council over-ruled them This again is illegal

Therefore the Appellants pray that since that not a single Election Rule is observed and there are grave irregular and illegalities in conducting the election, from the beginning to the end, the election may kindly be ordered to be set aside and re-election held

Chamarajanagar
Dated 21 12 47

1 L Narayana Rao
2 J R Jagannatha Rao
3 C V Ramiah
4 (Sd) Sultan Sheriff
5
6 C Hanumantha

L 12918 me 40-47-137

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated Bangalore 27-1-1948

NOTIFICATION

Under Section 23 (2) (C) of the Mysore ~~Section 10 (2) (C) of the Mysore~~ Town Municipalities Act 1933 ~~Minor Municipalities Act, 1933~~ Mr B Narayana is elected President of the Chamarajanagar Town Municipal Council ~~Minor Municipal Council~~, Mysore District

By Order,

for Secretary to Government,
Law Department
26/1/48

To

The Compiler Mysore Gazette for publication in part III-3 of the Gazette and supply of five copies thereof to the Secretariat and the Deputy Commissioner Mysore District

Memo No L 12919 Dt 27-1-48

Copy of the above is forwarded with compliments to the Deputy Commissioner Mysore District for information with reference to his letter No ~~23~~ CPC 345/47 48 dated 30-9-1947

The records accompany

By Order,

for Secretary to Government
Law Department
26-1-48

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. L 12918/mL 40-41-13 General and Revenue Secretariat

Dated Bangalore 27-1- 194 8

NOTIFICATION

Under Section 23(2)(C) of the Mysore Town Municipalities Act, 1933, Mr B Narayan is elected President of the Chamarajanagar Town Municipal Council, Mysore District

By Order,

for Secretary to Government,
Revenue Department

To

The Compiler, Mysore Gazette, for publication in Part III-3 of the Gazette and supply of five copies thereof to the Secretariat and the Deputy Commissioner, Mysore District

msr-7